

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 209 be amended to read as follows:

- 1 Page 3, between lines 41 and 42, begin a new paragraph and insert:
- 2 "SECTION 4. IC 3-11-4-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A voter who is
- 4 otherwise qualified to vote in person is entitled to vote by absentee
- 5 ballot. Except as otherwise provided in this article, a voter voting by
- 6 absentee ballot must vote in the office of the circuit court clerk (or
- 7 board of elections and registration in a county subject to IC 3-6-5.2) or
- 8 at a satellite office established under ~~IC 3-11-10-26.3~~ IC 3-11-10.
- 9 (b) A county election board, by unanimous vote of its entire
- 10 membership, may authorize a person who is otherwise qualified to vote
- 11 in person to vote by absentee ballot if the board determines that the
- 12 person has been hospitalized or suffered an injury following the final
- 13 date and hour for applying for an absentee ballot that would prevent the
- 14 person from voting in person at the polls.
- 15 (c) The commission, by unanimous vote of its entire membership,
- 16 may authorize a person who is otherwise qualified to vote in person to
- 17 vote by absentee ballot if the commission determines that an
- 18 emergency prevents the person from voting in person at a polling place.
- 19 (d) The absentee ballots used in subsection (b) or (c) must be the
- 20 same official absentee ballots as described in section 12 and 13 of this
- 21 chapter. Taking into consideration the amount of time remaining before
- 22 the election, the commission shall determine whether the absentee
- 23 ballots are transmitted to and from the voter by mail or personally
- 24 delivered. An absentee ballot that is personally delivered shall comply

with the requirements in sections 19, 20, and 21 of this chapter."

Page 7, line 38, after "26.3" insert "**or 26.4**".

Page 9, between lines 16 and 17, begin a new paragraph and insert:  
 "SECTION 3. IC 3-11-10-26.4 IS ADDED TO THE INDIANA  
 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2009]: **Sec. 26.4. (a) This section applies to a  
 county with a population of more than four hundred thousand  
 (400,000).**

**(b) The county election board shall establish satellite offices in  
 the county where voters may cast absentee ballots before an  
 absentee voter board.**

**(c) The county election board shall establish a satellite office in  
 each municipality in the county that has a population of more than  
 sixty thousand (60,000).**

**(d) The county election board may adopt a resolution under this  
 section to state:**

**(1) the hours at which absentee voting may occur at the  
 satellite offices; and**

**(2) subject to subsection (e), other provisions the board  
 considers useful in operating the satellite offices.**

**If the county election board does not adopt a resolution under this  
 subsection, a satellite office must be open during the same hours  
 that the circuit court clerk's office is open for casting absentee  
 ballots.**

**(e) The procedure for casting an absentee ballot at a satellite  
 office must, except as provided in this section, be substantially the  
 same as the procedure for casting an absentee ballot in the office  
 of the circuit court clerk.**

**(f) The county election board may establish satellite offices other  
 than those required by this section under section 26.3 of this  
 chapter.**

SECTION 4. IC 3-11-18-4, AS ADDED BY P.L.164-2006,  
 SECTION 119, IS AMENDED TO READ AS FOLLOWS  
 [EFFECTIVE JULY 1, 2009]: **Sec. 4. The application must include a  
 plan for the administration of vote centers in the county. The plan must  
 include at least the following:**

**(1) The total number of vote centers to be established.**

**(2) The location of each vote center, and the municipality, if any,  
 in which the vote center is located.**

**(3) A list of each municipality within the county that is entitled to  
 conduct a municipal primary or municipal election, as of the date  
 of the application.**

**(4) The total number of voters within each municipality, as of the  
 date of the application, and the number of those voters within  
 each municipality designated as "active" and "inactive" according  
 to the county voter registration office.**

**(5) For each vote center designated under subdivision (2), a list**

of the precincts whose polls will be located at the vote center.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):

(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** to allow voters to cast absentee ballots in accordance with IC 3-11.

SECTION 5. IC 3-11-18-12, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. Notwithstanding any other law, a voter who resides in a vote center pilot county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration."

Page 12, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 6. IC 3-14-3-16, AS AMENDED BY P.L.164-2006, SECTION 132, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term does not include expressing support or opposition to a candidate or a political party or expressing approval or disapproval of a public question in:

- (1) material mailed to a voter; or
  - (2) a telephone or an electronic communication with a voter.
  - (b) A person who knowingly does any electioneering:
    - (1) on election day within:
      - (A) the polls; or
      - (B) the chute;
    - (2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under ~~IC 3-11-10-26.3~~ **IC 3-11-10** used by an absentee voter board to permit an individual to cast an absentee ballot; or
    - (3) except for a voter who is:
      - (A) the person's spouse;
      - (B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or
      - (C) a member of the person's household;
- in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor."

Re-number all SECTIONS consecutively.

(Reference is to ESB 209 as printed April 7, 2009.)

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Representative Smith V